



**4910-06-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

**[Docket Number FRA-2019-0080]**

#### **Petition for Waiver of Compliance**

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on September 18, 2019, the American Short Line and Regional Railroad Association (ASLRRA), on behalf of its members, petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4)(A), which, in part, require a train employee to receive 48 hours off duty after initiating an on-duty period for six consecutive days. FRA assigned the petition Docket Number FRA-2019-0080.

Specifically, ASLRRA seeks a comprehensive waiver of relief from (1) the statutory rest requirements contained in 49 U.S.C. 21103(a)(4)(A); and (2) approval of a pilot project to demonstrate the safety of adopting fatigue mitigation plans on Class II and Class III railroads in lieu of strict compliance with the requirements of these statutory provisions.

ASLRRA's existing waiver of 49 U.S.C. 21103(a)(4)(A), granted under the terms and conditions contained in FRA's initial March 5, 2010 decision letter, and extended by FRA's decision letter dated February 27, 2012, permits participating railroads to allow

train employees to work six consecutive days followed by 24 hours of rest before returning to work. *See* Docket Number FRA-2009-0078. One condition of the waiver excludes work occurring between the hours of midnight and six a.m. ASLRRA requests to expand the waiver to include work between the hours of midnight and six a.m. for those railroads identified in the petition. It also seeks approval of a pilot project to validate preliminary data results suggesting that employing fatigue mitigating techniques would eliminate any adverse consequences from extending ASLRRA's existing waiver to those hours. ASLRRA states that employee participation in the waiver will be voluntary and all employees covered by the waiver will be provided information about the waiver and pilot.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave., SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate

docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, W12-140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue, SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*] will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of regulations.gov.

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,*

*Chief Safety Officer.*

[FR Doc. 2019-23590 Filed: 10/28/2019 8:45 am; Publication Date: 10/29/2019]